

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON
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Assistant County Attorney
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Of Attorneys for Defendants

RECEIVED
U.S. DISTRICT COURT
MAY 10 2007

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

AMANDA MORTIMER,

Plaintiff,

v.

CHRISTOPHER GREEN, individually; and
MULTNOMAH COUNTY, a local
governmental entity,

Defendants.

Civil No. CV'07 - 0040 JO

NOTICE OF REMOVAL

TO: Judges of the United States District Court for the District of Oregon;
Administrator of the Circuit Court of the State of Oregon for the County of Multnomah;
and Dirk Doyle, Attorney for plaintiff.

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that, pursuant to 28 USC §§1441 and 1446, Defendants Christopher Green and Multnomah County hereby removes to this Court the case now pending in Multnomah County Circuit Court as *Amanda Mortimer v. Christopher Green, individually and Multnomah County, a local governmental entity*, Case No. 0612-12834. All defendants join in this removal.

133SS

As grounds for removal, Defendants Christopher Green and Multnomah respectfully give Notice of Removal as follows:

NOTICE OF REMOVAL IS TIMELY AND ALL DEFENDANTS JOIN IN THE REMOVAL

1. On December 11, 2006, this action was commenced against defendants in the Circuit Court of the State of Oregon for the County of Multnomah, entitled *Amanda Mortimer v. Christopher Green, individually, and Multnomah County, a local governmental entity*, Case No. 0612-12834. A copy of the Complaint and an Acceptance of Service was sent to Multnomah County on December 18, 2006, and are attached hereto as Exhibits 1 and 2 respectively and made a part of this notice. A copy of the Complaint and an Acceptance of Service for both defendants, Christopher Green and Multnomah County, was sent to the Multnomah County Attorney's Office on December 28, 2006. The defendants' accepted service on January 5, 2007 and a copy of the Acceptance of Service is attached hereto as Exhibit 3 and made a part of this notice. Accordingly, thirty days has not expired since receipt by defendants of a copy of the Complaint herein, and defendants have not entered or appeared or voluntarily invoked or submitted to the jurisdiction of the Circuit Court for the State of Oregon for the County of Multnomah in any manner.

2. The above-described action against defendants Green and Multnomah County is a civil action which may be removed from that court by defendants under the provisions of Title 28 USC §§ 1331, 1367 and 1441, in that this Court has original jurisdiction over one of the claims against defendant Green as it is a civil action brought pursuant to 42 USC § 1983, seeking damages on account of an alleged violation of plaintiff's rights, privileges and immunities secured by the Constitution and laws of the United States of America.

3. Pursuant to 28 USC § 1446(d), defendants will file a notice of removal with the Clerk of the Circuit Court, Multnomah County, Oregon informing the court that this matter has been removed to federal court. A copy of this Notice of Removal, including all supporting exhibits, will be attached to the notice of removal filed with the circuit court. Pursuant to 28 USC § 1446(d), a copy of this Notice of Removal is also being served upon plaintiff.

THEREFORE, defendants Green and Multnomah County give notice that the above action now pending against them in the Circuit Court of the State of Oregon for the County of Multnomah has been removed therefrom to this Court.

DATED this 9th day of January, 2007.

Respectfully submitted,

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

Susan M. Dunaway
Susan M. Dunaway, OSB No. 97050
Assistant County Attorney
Of Attorneys for Defendants Christopher
Green and Multnomah County

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7
I HEREBY CERTIFY THAT THE FOREGOING
IS A COMPLETE AND EXACT COPY OF THE
ORIGINAL THEREOF.

8 Attnorneys for _____
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21
22

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

AMANDA MORTIMER

) **0612-12834**

) Case No.:

10 Plaintiff,
vs.

)

11 CHRISTOPHER GREEN, individually; and
12 MULTNOMAH COUNTY, a local
governmental entity,

) COMPLAINT AND DEMAND FOR
JURY TRIAL

13 Defendants.

)

) Civil rights, 42 U.S.C. § 1983; Negligence;
Assault; Battery; Negligent Retention,
Training and Supervision
Claim Not Subject to Mandatory
Arbitration

)

15 Plaintiff alleges:

16
17 **FIRST CLAIM FOR RELIEF**
(Civil Rights, 42 U.S.C. § 1983)

18 1.

19 Plaintiff Amanda Mortimer is a resident of Multnomah County. Defendant Multnomah
20 County is a duly recognized county government agency within the State of Oregon. At all times
21 material, Christopher Green was and is a Multnomah County Deputy Sheriff. While engaged in
22 the acts giving rise to this lawsuit, Defendant Green was acting in the course and scope of his

COMPLAINT AND DEMAND FOR JURY TRIAL - 1

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322 NW 5th Ave., Suite 307
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EXHIBIT
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1 employment as a Multnomah County Deputy Sheriff. Defendant Green is also sued in his
2 individual capacity under 42 U.S.C. § 1983 for depriving Plaintiff of her civil rights as more
3 fully alleged below.

4 **2.**

5 On or about December 13, 2003, between 3:00 a.m. and 4:00 a.m., Defendant Green was
6 on patrol in his Multnomah County Sheriff's uniform and in a marked Multnomah County
7 Sheriff vehicle. Defendant Green observed Plaintiff's vehicle parked in the area of E Columbia
8 River Highway and Crown Point. Defendant Green stopped and exited his patrol vehicle and
9 approached Plaintiff's vehicle. Defendant Green shined his police flashlight into Plaintiff's
10 vehicle and saw Plaintiff and a male friend. Defendant saw that Plaintiff was nearly completely
11 nude. Nevertheless, Defendant Green opened Plaintiff's vehicle and grabbed Plaintiff by the arm
12 and pulled her from her vehicle. Defendant Green then ordered Plaintiff to stand, nearly
13 completely nude, outside her vehicle in the cold, rain, and fog, adjacent to the busy Columbia
14 River Highway. Defendant Green ordered Plaintiff to remain standing as described, with no
15 legitimate purpose, for over 10 minutes, while Defendant Green illuminated her nude figure with
16 his flashlight, as traffic passed the scene, exposing Plaintiff's nudity to public scrutiny. Deputy
17 Green never called out the stop to his dispatch, never requested the presence of another deputy,
18 male or female, and never voluntarily wrote a report regarding the incident.

19 **3.**

20 Plaintiff felt that the actions of Defendant Green were peculiar and later reported the
21 incident to Ms. Valerie Gillum, the mother of the male friend who was with Plaintiff in the
22 vehicle at the time of the incident. Ms. Gillum contacted the Multnomah County Sheriff's

COMPLAINT AND DEMAND FOR JURY TRIAL - 2

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1

1 Department at 11:00 am on December 14, 2003 to report the incident and file a complaint. The
2 Multnomah County Sheriff Internal Affairs Department investigated the complaint and, on April
3 27, 2004, it issued a letter confirming that the Department had determined that the complaint was
4 unfounded. The Internal Affairs Department found that Deputy Green had done nothing wrong
5 or improper. Plaintiff read the letter shortly after Ms. Gillum received it. Plaintiff later became
6 aware that other females were victimized by Defendant Green after the local daily newspaper,
7 The Oregonian, published an article in September 2006 regarding Defendant Green. It was not
8 until Deputy Green pled guilty on November 16, 2006 to physically harassing one of these
9 female victims that Plaintiff learned that Defendant Green's conduct had no legitimate law
10 enforcement purpose and that what Defendant Green did was wrong and a violation of Plaintiff's
11 rights. After Defendant Green pled guilty, Plaintiff was injured, insulted, outraged and angry, as
12 set forth more fully below. The first that Plaintiff knew her rights were violated and that she
13 connected Green with a personal injury was in November 2006. This suit is timely filed as it is
14 within 180 days or less of Plaintiff learning her rights were violated and that she suffered injury.

15 4.

16 Plaintiff has a constitutional right to he free from unreasonable searches and to be free
17 from offensive or injurious physical contact.

18 5.

19 At all times material, Defendant Green was acting under color of state law and using his power
20 as Deputy Sheriff to intimidate and coerce Plaintiff into revealing private areas of her body.

21 / / /

22 / / /

COMPLAINT AND DEMAND FOR JURY TRIAL - 3

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EXHIBIT
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6.

Defendant Green, while acting under color of state law, deprived Plaintiff of her constitutional rights, specifically the rights to be free from offensive or injurious contact and to be free from unreasonable searches and seizures as protected by the fourth, fifth and fourteenth amendments to the U.S. Constitution. Defendant Green acted with deliberate indifference to the rights of the Plaintiff and coerced Plaintiff into exposing herself for his gratification and arousal.

7

8 Defendant Green's actions and the deprivation of Plaintiffs constitutional rights, as
9 alleged, caused Plaintiff to be upset, nervous, uncomfortable and angry and caused personal
10 injuries. Plaintiff is entitled to recover the sum of \$100,000 for the personal and constitutional
11 injuries alleged herein.

8.

13 Defendant Green's actions and the deprivation of Plaintiff's constitutional rights, as
14 alleged, caused Plaintiff to suffer economic damages in the amount of \$5000.00 in time loss
15 from employment and other productive activities;

9

17 The conduct of Defendant Green was in conscious disregard of the interests and rights of
18 the Plaintiff. Plaintiff is entitled to punitive damages in the amount of \$100,000 to punish and
19 deter the conduct of Defendant Green and others similarly situated.

10.

21 Plaintiff is entitled to her attorney fees and expert witness fees pursuant to 42 U.S.C. §§
22 1983, 1985 and 1988.

COMPLAINT AND DEMAND FOR JURY TRIAL - 4

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**EXHIBIT
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1 **SECOND CLAIM FOR RELIEF**
2 (Assault and Battery)

3 **11.**

4 Plaintiff realleges paragraphs 1 through 7 above, as if set forth fully herein.

5 **12.**

6 Defendant Green's touching and harassing of Plaintiff was unwanted, threatening and
7 caused offensive and insulting contact between the Defendant Green and Plaintiff. This contact
8 was a battery and an assault. Defendant Green caused Plaintiff to suffer the damages alleged
9 above in paragraphs 7 and 8. Defendant Multnomah County is liable because Defendant Green
10 was acting in the course and scope of his duties as a Multnomah County Deputy Sheriff and had
11 the apparent authority to stop, detain and question Plaintiff.

12 **THIRD CLAIM FOR RELIEF**
13 (Negligence)

14 **13.**

15 Plaintiff re-alleges paragraphs 1 through 7 above, as if set forth fully herein.

16 **14.**

17 Defendant Green was negligent in one or more of the following particulars:

18 A. In causing Plaintiff to remain standing nearly completely nude near the side of a
19 public highway in inclement weather and under public scrutiny when Defendant knew, or
20 reasonably should have known, there was no legitimate purpose for this invasion into
21 Plaintiff's privacy

22 / / /

COMPLAINT AND DEMAND FOR JURY TRIAL - 5

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EXHIBIT 1
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B. In causing Plaintiff to remain standing nearly completely nude near the side of a public highway in inclement weather and under public scrutiny without having a female Deputy from the Multnomah County Sheriff's Department conduct the stop and search of Plaintiff if, in fact, there was a legitimate purpose for this invasion into Plaintiff's personal privacy.

15.

Defendant Multnomah County was negligent in more or more of the following particulars:

A. In failing to reasonably train and supervise Defendant Deputy Sheriff Green concerning the reasonable limits of his authority when demanding females expose themselves for his stop and searches;

B. In failing to stop Deputy Sheriff Green from demanding females expose their bodies for his stop and searches when the County knew or in the exercise of reasonable care should have known that he had developed a problem with demanding women to expose themselves for reasons that were not legitimate requirements of law enforcement and were likely to injure the females who were stopped;

C. In negligently retaining Green's employment when the County knew or in the exercise of reasonable care should have known that he had developed a problem with demanding women to expose themselves for reasons that were not legitimate requirements of law enforcement;

1 / 1

1 / 1

COMPLAINT AND DEMAND FOR JURY TRIAL - 6

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EXHIBIT /
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D. In negligently failing to have a policy whereby female law enforcement personnel would conduct stop and searches of females whose private personal body parts were exposed during the stop or search.

16.

The negligence of Defendants Green and Multnomah County, combining and concurring, caused Plaintiff the injuries set forth in paragraphs 7 and 8 and re-alleged here as if set forth fully herein.

WHEREFORE, Plaintiff demands a jury trial and claims for relief against Defendants as follows:

For her first claim for relief: Non-economic damages in the amount of \$100,000; economic damages in the amount of \$5,000; her attorney fees in an amount to be proven and punitive damages in the amount of \$100,000;

For her second claim for relief: Non-economic damages in the amount of \$100,000; economic damages in the amount of \$5,000 against Defendants and each of them;

For her third claim for relief: non-economic damages in the amount of \$100,000; economic damages in the amount of \$5,000; against Defendants and each of them; and Such other relief as the court deems just.

Such other relief as the court deems just.

DATED this 11 day of December, 2006

~~Respectfully submitted,~~

Bv[•]

Dirk Doyle, OSB No 99041
322 NW 5th Ave., Suite 307
Portland, Oregon 97209
Phone: 503-236-3332

COMPLAINT AND DEMAND FOR JURY TRIAL - 7

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EXHIBIT 7
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

AMANDA MORTIMER)
vs. Plaintiff,)
) Case No.: 06-12-12834
)
CHRISTOPHER GREEN, individually; and)
MULTNOMAH COUNTY, a local)
governmental entity,) ACCEPTANCE OF SERVICE
)
Defendants.)

)

I, Susan Marie Dunaway, have authority to and do hereby accept service of true copies of Plaintiff's Complaint and Plaintiff's First Request for Production of Documents to Defendant Multnomah County on behalf of Defendant Multnomah County only.

DATED this ____ day of _____, 20 ____.

By:
Susan Marie Dunaway, OSB No. 97050
Office of the Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, Or 97214
Phone: 503-988-3138
Fax: 503-988-3377
Email: susan.m.dunaway@co.multnomah.or.us
Attorneys for Defendant Multnomah County

ACCEPTANCE OF SERVICE - 1

Dirk Doyle, P.C.
322 NW 5th Ave., Suite 307, Portland, Or 97209
503-236-3332

EXHIBIT 2
PAGE 1 OF 2

1
2 **CERTIFICATE OF SERVICE**
3

4 I hereby certify that I served the foregoing **ACCEPTANCE OF SERVICE** on the
5 following person(s) on this same day by enclosing a copy in an envelope, properly addressed and
6 with first-class postage, and placing in the mail in Portland, Oregon.
7

8 Susan Marie Dunaway, OSB No. 97050
9 Office of the Multnomah County Attorney
10 501 SE Hawthorne Blvd., Ste. 500
11 Portland, Or 97214
12 Phone: 503-988-3138
13 Fax: 503-988-3377
14 Email: susan.m.dunaway@co.multnomah.or.us
15 Attorneys for Defendant Multnomah County

16 DATED this 16 day of Dec, 2006

17 By: 

18 Dirk Doyle, OSB No. 99041
19 322 NW 5th Ave., Suite 307
20 Portland, Oregon 97209
21 Phone: 503-236-3332
22 Fax: 503-236-3332
23 Email: dxd@earthlink.net
24 Attorney for Plaintiff

ORIGINAL

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

AMANDA MORTIMER)
vs. Plaintiff,)
CHRISTOPHER GREEN, individually; and) Case No.: 06-12-12834
MULTNOMAH COUNTY, a local)
governmental entity,) ACCEPTANCE OF SERVICE
Defendants.)

14 I, Susan Marie Dunaway, have authority to and do hereby accept service of true copies of
15 Plaintiff's Complaint and Plaintiff's First Request for Production of Documents to Defendant
16 Multnomah County on behalf of both Defendant Multnomah County and Defendant Christopher
17 Green.

DATED this 5th day of January, 2007.

By: Susan M. Dunaway
Susan Marie Dunaway, OSB No. 97050
Office of the Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, Or 97214
Phone: 503-988-3138
Fax: 503-988-3377
Email: susan.m.dunaway@co.multnomah.or.us
Attorneys for Defendant Multnomah County

ACCEPTANCE OF SERVICE - 1

Dirk Doyle, P.C.
322 NW 5th Ave., Suite 307, Portland, Or 97209
503-236-3332 EXHIBIT

EXHIBIT 1
OF 1 PAGE 1 OF 2

CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2007, I served the foregoing **ACCEPTANCE OF SERVICE** on:

Dirk Doyle, PC
322 NW 5th Avenue, Suite 307
Portland, OR 97209

by the following method or methods as indicated:

(X) by **mailing** to said person(s) a true copy thereof, said copy placed in a sealed envelope, postage prepaid and addressed to said person(s) at the last known address for said person(s) as shown above, and deposited in the post office at Portland, Oregon, on the date set forth above.

() by causing a true copy thereof to be **hand delivered** to said person(s) at the last known address for said person(s) as shown above, on the date set forth above.

() by mailing via **certified mail, return receipt requested**, to said person(s) a true copy thereof, said copy placed in a sealed envelope, postage prepaid and addressed to said person(s) at the last known address for said person(s) as shown above, and deposited in the post office at Portland, Oregon, on the date set forth above.

() by **facsimile** to said person(s) a true copy thereof at the facsimile number shown above, which is the last known facsimile number for said person(s) on the date set forth above. A copy of the confirmation report is attached hereto.


Ona Davis
Paralegal

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2007, I served the foregoing **NOTICE OF REMOVAL** on:

Dirk Doyle
322 NW 5th Avenue, Suite 307
Portland, OR 97209

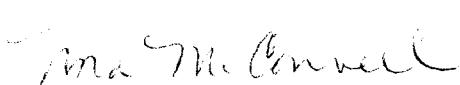
by the following method or methods as indicated:

() by **mailing** to said person(s) a true copy thereof, said copy placed in a sealed envelope, postage prepaid and addressed to said person(s) at the last known address for said person(s) as shown above, and deposited in the post office at Portland, Oregon, on the date set forth above.

() by causing a true copy thereof to be **hand delivered** to said person(s) at the last known address for said person(s) as shown above, on the date set forth above.

() by mailing via **certified mail, return receipt requested**, to said person(s) a true copy thereof, said copy placed in a sealed envelope, postage prepaid and addressed to said person(s) at the last known address for said person(s) as shown above, and deposited in the post office at Portland, Oregon, on the date set forth above.

() by **facsimile** to said person(s) a true copy thereof at the facsimile number shown above, which is the last known facsimile number for said person(s) on the date set forth above. A copy of the confirmation report is attached hereto.



Nora McConnell
Paralegal

CERTIFICATE OF SERVICE

Multnomah County Attorney
501 S.E. Hawthorne Blvd., Ste. 500
Portland, Oregon 97214
(503) 988-3138